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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**

In re:

CONE ENGINEERING CONTRACTORS,
INC., a California Corporation,

Reorganized Debtor.

Civil No. CV 05-02137 PJH

Bankruptcy Case No. 02-45803 J11

Chapter 11 Proceeding

**STIPULATION FURTHER
EXTENDING TIME TO FILE
BRIEFS; [~~PROPOSED~~] ORDER
THEREON**

This Stipulation is entered into by and between Reorganized Debtor Cone Engineering Contractors, Inc. ("Appellant") and Claimant State Compensation Insurance Fund ("Appellee"), and is made with reference to the following facts and circumstances:

1 1. On May 4, 2005 the United States Bankruptcy Court for the Northern District of
2 California entered its order denying Appellant's objections to the claims filed by Appellee in
3 Appellant's bankruptcy case ("Order"), and a memorandum in support of the Order entitled
4 "Decision: Debtor's Objections to Amended Claims Nos. 168 and 172 Filed By State Compensation
5 Insurance Fund" (the "Memorandum").

6 2. On or about May 13, 2005, Appellant filed its Notice of Appeal Re Order
7 Overruling Debtor's Objections To Amended Claims Nos. 168 And 172 Filed By State
8 Compensation Insurance Fund, along with its Statement Of Election Pursuant To 28 U.S.C.
9 Section 158(C) Of The Notice Of Appeal Re Order Overruling Debtor's Objections To
10 Amended Claims Nos. 168 And 172 Filed By State Compensation Insurance Fund.

11 3. Both Appellant and Appellee have filed their respective Statements of Issues
12 and Designation of Documents to be Included in the Record on Appeal.

13 4. On June 13, 2005, this Court filed its Notice of Briefing. Pursuant to the
14 Notice of Briefing, Appellant's brief should have been filed and served on July 13, 2005,
15 which date triggers the filing date for the Appellee's brief and Appellant's reply brief.

16 5. On July 13, 2005, Appellant filed the Stipulation Extending Time to File
17 Briefs; [Proposed] Order Thereon.

18 6. On July 14, 2005, the Court entered the Order on the Stipulation Extending
19 Time to File Briefs (the "First Order"). The First Order granted a two-week extension
20 through and including July 27, 2005.

21 7. On August 1, 2005 Appellant filed a second Stipulation Extending Time to File
22 Briefs; [Proposed] Order Thereon (the "Second Stipulation"). On August 1, 2005, the Court
23 entered its Order on the Second Stipulation Extending Time to File Briefs (the "Second
24 Order"). The Second Order granted an extension through and including August 10, 2005.

25 8. Appellant and Appellee have been engaged in negotiations to settle the issues
26 raised by the appeal. A settlement has now been reached and, in order to document the
27 settlement, the parties desire to extend, for a period of approximately two weeks, all of the
28 dates associated with the Notice of Briefing.

1 **NOW THEREFORE**, based upon the foregoing recitals, and for good and valuable
2 consideration, the receipt and sufficiency of which are acknowledged by the parties, and the
3 parties intending to be legally bound hereby, the parties hereby stipulate and agree as
4 follows:

5 A. The time within which Appellant must file and serve its brief is extended
6 to and including August 25, 2005.

7 B. Appellee's brief shall be filed and served twenty (20) days after service
8 of Appellant's brief.

9 C. Appellant's reply brief, if any, shall be filed and served ten (10) days
10 after service of Appellee's brief.

11 D. No notice or appearance shall be necessary to effectuate the foregoing.

12 DATED: August 11, 2005

WINTHROP COUCHOT
PROFESSIONAL CORPORATION

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16 By: _____
17 Robert E. Opera
18 Attorneys for Cone Engineering Contractors,
 Inc., Appellant

19 DATED: August 11, 2005

STATE COMPENSATION INSURANCE
FUND

20
21
22 By: _____
23 James E. Armstrong
24 Attorney for State Compensation Insurance
 Fund, Appellee

25 **O R D E R**

26 Based upon the foregoing stipulation of the parties, **IT IS SO ORDERED.**

27 DATED: 8/15/05

28 By:  _____
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Paul S. Tu, declare as follows:

I am employed in the County of Orange, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 660 Newport Center Drive, 4th Floor, Newport Beach, California 92660, in said County and State.

On August 11, 2005 I served the following document: **STIPULATION EXTENDING TIME TO FILE BRIEFS; ORDER THEREON** on each of the interested parties:

<u>Reorganized Debtor</u> Roger Cone, President Cone Engineering Contractors, Inc. 4 Crow Canyon Court, Suite 100 San Ramon, CA 94583	Office of the United States Trustee Attention: Andrew Velez-Rivera, Esq. 1301 Clay Street, Suite 690N Oakland, CA 94612-5217
State Compensation Insurance Fund James E. Armstrong, Esq. 1275 Market Street San Francisco, CA 94103	

by the following means of service:

<input checked="" type="checkbox"/>	BY MAIL: I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. Under that practice it would be deposited with the U.S. Postal Service on that same date with postage thereon fully prepaid at Newport Beach, California in the ordinary course of business I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
<input checked="" type="checkbox"/>	I am employed in the office of Winthrop Couchot Professional Corporation, Robert E. Opera, is a member of the bar of this court.
<input checked="" type="checkbox"/>	(FEDERAL) I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 11, 2005, at Newport Beach, California.

/s/

PAUL S. TU

Initials